

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA,)
)
 Plaintiff,) CRIMINAL ACTION NO.
 VS.)
) 3:94-CR-343(01)-G
 VERNON ANTHONY MILLER,)
)
 Defendant.)

ORDER

The motion for leave to proceed *in forma pauperis* on appeal (docket entry 320) is **DENIED**. Pursuant to 28 U.S.C. § 1915(a)(3) and Federal Rule of Appellate Procedure 24(a), and for the reasons set forth in the findings, conclusions, and recommendation of the United States Magistrate Judge dated January 29, 2015 (docket entry 322), the court **CERTIFIES** that the appeal is not taken in good faith.

Although this court has certified that the appeal is not taken in good faith under Section 1915(a)(3) and Rule (a), plaintiff may challenge this finding pursuant to *Baugh v. Taylor*, 117 F.3d 197 (5th Cir. 1997), by filing a separate motion to

proceed *in forma pauperis* on appeal with the Clerk of the Court, U.S. Court of Appeals for the Fifth Circuit, within 30 days of this order.

SO ORDERED.

February 20, 2015.


A. JOE FISH
Senior United States District Judge